

State of Utah
Administrative Rule Analysis

NOTICE OF PROPOSED RULE

The agency identified below in box 1 provides notice of proposed rule change pursuant to *Utah Code* Sections 63-46a-4. Please address questions regarding information on this notice to the agency. The full text of all rule filings is published in the *Utah State Bulletin* unless excluded because of space constraints. The full text of all rule filings may also be inspected at the Division of Administrative Rules.

DAR file no:		Date filed:	
Utah Admin. Code ref. (R no.):	R156-60b	Time filed:	
Changed to Admin. Code Ref. (R no.):			

1.	Agency:	Commerce/Division of Occupational and Professional Licensing		
	Room no.:			
	Building:	Heber M. Wells Building		
	Street address 1:	160 East 300 South		
	Street address 2:			
	City, state, zip:	Salt Lake City UT 84111-2316		
	Mailing address 1:	PO Box 146741		
	Mailing address 2:			
	City, state, zip:	Salt Lake City UT 84114-6741		
	Contact person(s):			
	Name:	Phone:	Fax:	E-mail:
	Noel Taxin	801-530-6621	801-530-6511	ntaxin@utah.gov

(Interested persons may inspect this filing at the above address or at DAR between 8:00 a.m. and 5:00 p.m. on business days.)

2.	Title of rule or section (catchline):
	Marriage and Family Therapist Licensing Act Rules
3.	Type of notice:
	New ____; Amendment XX; Repeal ____; Repeal and Reenact ____
4.	Purpose of the rule or reason for the change:
	The Division and the Marriage and Family Therapy Board have reviewed the rule and need to update the rule with respect to definitions, qualifications for supervision, continuing education and applicable code of ethics.
5.	This change is a response to comments from the Administrative Rules Review Committee.
	Yes ____; No XX
6.	Summary of the rule change:

	<p>Section 102-Definitions: Amendments are made to the definition of "face to face supervision" and added definitions for "group supervision" and "individual supervision". Section 103 - A statute citation to 58-1-106 was updated. Section 302b-Experience Requirements: Proposed amendments provide consistency with the statute on the required number of hours of face to face supervision and clarifies misunderstanding of statute requirements. Proposed amendments also delete the term "conjoint" in paragraph (1)(e) which has confused applicants and uses more recognized terms of couple and family therapy. Section 302d-Qualifications to be a Marriage and Family Therapist Training Supervisor and Mental Health Therapy Training Supervisor: Proposed amendments are added to create consistency with national and state association requirements to be qualified as a supervisor. Section 304-Continuing Education: Amendment is made to eliminate the requirement for a certified marriage and family therapist intern to complete continuing education hours. The intern is under supervision and in a learning capacity and does not require continuing education to maintain competency. Section 502-Unprofessional Conduct: Amendments are made to update the American Association for Marriage and Family Therapy (AAMFT) Code of Ethics from the July 1, 1998 edition to the July 1, 2001 edition.</p>
7.	<p>Aggregate anticipated cost or savings to:</p> <p>A) State budget:</p> <p>The Division will incur minimal costs of approximately \$100 to reprint the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.</p> <p>B) Local government:</p> <p>Proposed amendments do not apply to local governments. The proposed amendments only apply to individuals who are licensed or who may apply for licensure as a marriage and family therapist or as a certified marriage and family therapist intern.</p> <p>C) Other persons:</p> <p>The proposed amendments only apply to individuals who are licensed or who may apply for licensure as a marriage and family therapist or certified marriage and family therapist intern. With respect to the updated Code of Ethics, no costs or savings are anticipated as a result of this amendment since the current edition of the Code of Ethics can be obtained via the American Association for Marriage and Family Therapy website. With respect to the amendment which deletes certified marriage and family therapist interns from completing 40 continuing education hours every two years, the Division anticipates each certified marriage and family therapist intern will see some savings as a result of not having to complete 40 continuing education hours every two years. The Division is unable to determine an exact amount of savings due to the varying costs involved with obtaining continuing education hours. The Division currently has 76 individuals who are licensed as a certified marriage and family therapist intern. The Division anticipates no further costs or savings as a result of the additional amendments being proposed to the rule beyond those identified above.</p>
8.	<p>Compliance costs for affected persons ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization or any character other than an agency):</p> <p>No compliance costs are anticipated as a result of the proposed amendments; only savings are anticipated by the Division as identified above.</p>
9.	<p>Comments by the department head on the fiscal impact the rule may have on businesses:</p> <p>This rule filing contains substantive amendments for the purposes of better defining standards for the profession and making the rule consistent with the authorizing statute and national standards. Other than the possible savings to regulated certified marriage and family therapist interns, resulting from the elimination of the continuing education requirement, no fiscal impact to businesses is anticipated. Francine A. Giani, Executive Director</p>
10.	<p>This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):</p> <p>Subsections 58-1-106(1)(a) and 58-1-202(1)(a) and Section 58-60-301</p>
11.	<p>This rule adds, updates, or otherwise changes the following titles of materials incorporated by references (a copy of materials incorporated by reference must be submitted to DAR; if none, leave blank):</p>

	Deletes the July 1, 1998 edition of the AAMFT Code of Ethics and adds the July 1, 2001 edition of the AAMFT Code of Ethics		
12.	The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the <i>Utah State Bulletin</i> . See Section 63-46a-5 and Rule R15-1 for more information.)		
	A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy):		06/14/2006
	B) A public hearing (optional) will be held:		
	on (mm/dd/yyyy):	at (time):	At (place):
	06/02/2006	9:00 a.m.	160 East 300 South, Conference Room 428 (4th floor), Salt Lake City, Utah
13.	This rule change may become effective on (mm/dd/yyyy):		06/15/2006
	NOTE: The date above is the date on which this rule MAY become effective. It is <i>NOT</i> the effective date. After the date designated in Box 12(A) above, the agency <i>must</i> submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.		
14.	Indexing information -- keywords (maximum of four, in lower case, except for acronyms (e.g., "NASA") or proper nouns (e.g., "Medicaid")):		
	licensing	therapists	
	marriage and family therapist		
15.	Attach an RTF document containing the text of this rule change (filename):		R156-60b.pro
To the agency: Information requested on this form is required by Sections 63-46a-4, 5, 6, and 10. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the <i>Utah State Bulletin</i> , and delaying the first possible effective date.			
AGENCY AUTHORIZATION			
Agency head or designee, and title:		J. Craig Jackson, Director	Date (mm/dd/yyyy): 04/25/2006

ProposedRule.doc 9/26/2003

R156. Commerce, Occupational and Professional Licensing.
R156-60b. Marriage and Family Therapist Licensing Act Rules.
R156-60b-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 60, as used in Title 58, Chapters 1 and 60, or these rules:

(1) "AAMFT" means the American Association for Marriage and Family Therapy.

(2) "Face to face supervision" [~~means one to one supervision between the supervisor and the supervisee or group supervision between the supervisor and up to two supervisees. During group supervision, one and a half hours is equivalent to one clock hour of supervision~~] as described in Subsection R156-

60b-302a(1)(b)(vii) includes both individual and group supervision.

(3) "Group supervision" means supervision between the supervisor and no more than three supervisees, unless preapproved by the Board.

(4) "Individual supervision" means supervision between the supervisor and one or two supervisees in accordance with standards set forth in Subsection R156-60b-302b(1)(d).

([3]5) "Unprofessional conduct" as defined in Title 58, Chapters 1 and 60, is further defined, in accordance with Subsection 58-1-203(5), in Section R156-60b-502.

R156-60b-103. Authority - Purpose.

These rules are adopted by the division under the authority of Subsection 58-1-106(1)(a) to enable the division to administer Title 58, Chapter 60, Part 3.

R156-60b-302b. Qualifications for Licensure - Experience Requirements.

(1) Pursuant to Subsections 58-60-305(1)(e) and (f), an applicant shall complete marriage and family therapy and mental health therapy training consisting of a minimum of 4,000 hours of supervised training which shall:

(a) be completed in not less than two years;

(b) be completed while the applicant is an employee of a public or private agency engaged in mental health therapy;

(c) be completed under the supervision of a marriage and family therapist supervisor meeting the requirements under Section 58-60-307;

(d) include at least ~~[200]~~100 hours of clinical face to face supervision spread uniformly throughout the training period~~[of which at least 100 hours must be individual supervision];~~

(e) in accordance with Subsection 58-60-305(1)(f), include a minimum of 1000 hours of mental health therapy of which at least 500 hours are in [conjoint,] couple or family therapy with two or more clients present[sessions]; and

(f) hours completed in a group therapy session may count only if the supervisee functions as the primary therapist.

(2) An applicant for licensure as a marriage and family therapist, who is not seeking licensure by endorsement based upon licensure in another jurisdiction, who has completed all or part of the marriage and family therapy training requirements outside the state, may receive credit for that training completed outside of the state if it is demonstrated by the applicant that the training completed outside the state is equivalent to and in all respects meets the requirements for

training under Subsections 58-60-305(1)(e) and (f), and Subsection R156-60b-302b(1). The applicant shall have the burden of demonstrating by evidence satisfactory to the division and board that the training completed outside the state is equivalent to and in all respects meets the requirements under this subsection.

R156-60b-302d. Qualifications to be a Marriage and Family Therapist Training Supervisor and Mental Health Therapist Training Supervisor.

Pursuant to the provisions of Subsection 58-60-307(1), to be qualified as a marriage and family therapist supervisor for training required under Subsections 58-60-305(1)(e) and (f), an individual shall:

(1) be currently approved by AAMFT as a marriage and family therapist supervisor; or

(2) be currently licensed [~~or certified~~] in good standing as a marriage and family therapist in the state in which the supervised training is being performed; and meet the following requirements:

(a) have lawfully engaged in the practice of mental health therapy for not less than two years; and

(b)(i) have successfully completed [30 clock hours of instruction approved by the division in collaboration with the board in the theory, practice, and process of supervision; and] a supervision course in a Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE) accredited marriage and family (MFT) program at an accredited university; or

(ii) have successfully completed 20 clock hours of instruction sponsored by AAMFT or the Utah Association of Marriage and Family Therapists (UAMFT) as follows:

(A) four hours of review of models of MFT and supervision;

(B) eight hours of MFT supervision processes and practice;

(C) four hours of research on effective outcomes and processes of supervision; and

(D) four hours of AAMFT Code of Ethics, state rules and case studies related to MFT supervision; or

(3) be currently licensed as a clinical social worker, psychologist, or professional counselor in Utah and meet the following requirements:

(a) have lawfully engaged in the practice of mental health therapy for not less than two years;

(b) produce certified transcripts from a program accredited by a professional accrediting body approved by the Council for Higher Education Accreditation of the American Council on Education, which includes courses in the following areas:

(i) six semester hours/nine quarter hours in theoretical foundations of marriage and family therapy;

(ii) nine semester hours/12 quarter hours in assessment and treatment in marriage and family therapy; and

(iii) six semester hours/nine quarter hours in human development and family studies which includes ethnic minority and gender issues, including sexuality, sexual functioning and sexual identity; and

(c)(i) have successfully completed a supervision course in a COAMFTE accredited MFT program at an accredited university; or

(ii) have successfully completed 20 clock hours of instruction sponsored by AAMFT or UAMFT in the following areas:

(A) four hours in review of models of marriage and family therapy and supervision;

(B) eight hours in MFT supervision processes and practice;

(C) four hours in research on effective outcomes and processes of supervision; and

(D) four hours in AAMFT Code of Ethics, state rules and case studies related to MFT supervision.

~~[(e) have successfully completed 36 clock hours of training related to the practice of supervision under the direction of a qualified marriage and family therapist training supervisor.]~~

R156-60b-304. Continuing Education.

(1) ~~[There]~~In accordance with Section 58-60-105, there is hereby established a continuing professional education requirement for all individuals licensed under Title 58, Chapter 60, Part 3, as a marriage and family therapist~~[and as a certified marriage and family therapist intern].~~

(2) During each two year period commencing September 30th of each even numbered year, a marriage and family therapist ~~[and as a certified marriage and family therapist intern]~~ shall be required to complete not less than 40 hours of qualified professional education directly related to the licensee's professional practice with at least 15 hours thereof being directly related to marriage and family therapy.

(3) The required number of hours of professional education for an individual who first becomes licensed during the two year period shall be decreased in a pro-rata amount equal to any part of that two year period preceding the date on which that individual first became licensed.

(4) Qualified professional education under this section shall:

(a) have an identifiable clear statement of purpose and defined objective for the educational program directly related to the practice of a mental health therapist;

(b) be relevant to the licensee's professional practice;

(c) be presented in a competent, well organized, and sequential manner consistent with the stated purpose and objective of the program;

(d) be prepared and presented by individuals who are qualified by education, training, and experience; and

(e) have associated with it a competent method of registration of individuals who actually completed the professional education program and records of that registration and completion are available for review.

(5) Credit for professional education shall be recognized in accordance with the following:

(a) unlimited hours shall be recognized for professional education completed in blocks of time of not less than one hour in formally established classroom courses, seminars, or conferences;

(b) a maximum of 14 hours per two year period may be recognized for teaching in a college or university, teaching qualified continuing professional education courses in the field of mental health therapy, or supervision of an individual completing his experience requirement for licensure in a mental health therapist license classification;

(c) a maximum of six hours per two year period may be recognized for clinical readings directly related to practice as a mental health therapist;

(6) A licensee shall be responsible for maintaining competent records of completed qualified professional education for a period of four years after close of the two year period to which the records pertain. It is the responsibility of the licensee to maintain such information with respect to qualified professional education to demonstrate it meets the requirements under this section.

(7) A licensee who documents he is engaged in full time activities or is subjected to circumstances which prevent that licensee from meeting the continuing professional education requirements established under this section may be excused from the requirement for a period of up to three years; however, it is the responsibility of the licensee to document the reasons and justify why the requirement could not be met.

R156-60b-502. Unprofessional Conduct.

"Unprofessional conduct" includes:

(1) acting as a supervisor or accepting supervision of a supervisor without complying with or ensuring the compliance with the requirements of Sections R156-60b-302d and R156-60b-302e;

(2) engaging in the supervised practice of mental health therapy when not in compliance with Subsections R156-60b-302b;

- (3) engaging in and aiding or abetting conduct or practices which are dishonest, deceptive or fraudulent;
- (4) engaging in or aiding or abetting deceptive or fraudulent billing practices;
- (5) failing to establish and maintain appropriate professional boundaries with a client or former client;
- (6) engaging in dual or multiple relationships with a client or former client in which there is a risk of exploitation or potential harm to the client;
- (7) engaging in sexual activities or sexual contact with a client with or without client consent;
- (8) engaging in sexual activities or sexual contact with a former client within two years of documented termination of services;
- (9) engaging in sexual activities or sexual contact at any time with a former client who is especially vulnerable or susceptible to being disadvantaged because of the client's personal history, current mental status, or any condition which could reasonably be expected to place the client at a disadvantage recognizing the power imbalance which exists or may exist between the marriage and family therapist and the client;
- (10) engaging in sexual activities or sexual contact with client's relatives or other individuals with whom the client maintains a relationship when that individual is especially vulnerable or susceptible to being disadvantaged because of his personal history, current mental status, or any condition which could reasonably be expected to place that individual at a disadvantage recognizing the power imbalance which exists or may exist between the marriage and family therapist and that individual;
- (11) physical contact with a client when there is a risk of exploitation or potential harm to the client resulting from the contact;
- (12) engaging in or aiding or abetting sexual harassment or any conduct which is exploitive or abusive with respect to a student, trainee, employee, or colleague with whom the licensee has supervisory or management responsibility;
- (13) failing to render impartial, objective, and informed services, recommendations or opinions with respect to custodial or parental rights, divorce, domestic relationships, adoptions, sanity, competency, mental health or any other determination concerning an individual's civil or legal rights;
- (14) exploiting a client for personal gain;
- (15) use of a professional client relationship to exploit a person that is known to have a personal relationship with a client for personal gain;

(16) failing to maintain appropriate client records for a period of not less than ten years from the documented termination of services to the client;

(17) failing to obtain informed consent from the client or legal guardian before taping, recording or permitting third party observations of client care or records;

(18) failure to cooperate with the Division during an investigation; and

(19) failure to abide by provisions 1 to 8.[7]8 of the Code of Ethics of the American Association for Marriage and Family Therapy (AAMFT) as adopted by the AAMFT effective July 1, [1998]2001, which is adopted and incorporated by reference.

KEY: licensing, therapists, marriage and family therapist[*]

Date of Enactment or Last Substantive Amendment: [June 1, 2001]2006

Notice of Continuation: October 21, 2004

Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-60-301